

U.S. Application Serial No. 10/682,496
Response to Office Action mailed May 31, 2005

Docket No. SYR-HDAC-5003-U

REMARKS/ARGUMENTS

In the Office Action, the Examiner issued a restriction requirement alleging that the application claims six distinct inventions (Groups I-VI). The Examiner further required an election of a single compound, wherein a single member at each substituent group or moiety is selected (e.g., wherein R₁ is aryl and each subsequent variable position is defined in a similar manner).

1. Traversal And Proposed Alternative Restriction

Applicants traverse the Examiner's restriction on the grounds that Groups I, II, IV and V are in a generic – species relationship and therefore should not be subject to restriction as to invention between each other. Specifically, Group II is a species of Group I where R₁₂ and R₁₃ are taken together to form the further ring shown in Group II. Group IV is also a species of Group I where the leader group L further comprises J (note Specification at page 28, paragraph 118). Group V comprises a species of Groups I, II and IV where R₁₂ and R₁₃ are taken together to form the further ring shown in Group II and the leader group L further comprises J.

In view of the generic – species relationship between Groups I, II, IV and V, Applicants propose a restriction as to invention between Group I, III and VI.

Reconsideration of the Examiner's restriction as to invention is therefore respectfully requested.

2. Election as to Invention

Based on Applicants' proposed restriction, Applicants wish to elect Group I pursuant to 37 C.F.R. § 1.142 and, if necessary, further elect the species where R₁₂ and R₁₃ are taken together to form a ring with traverse.

Claims 1-8 and 11-12 and 15 are withdrawn as being directed to non-elected inventions of Groups III and VI pursuant to 37 C.F.R. § 1.142(b).

Claims 16, 17, 20-35 and 37 have been amended to depend from claim 9, the independent claim of elected Group I.

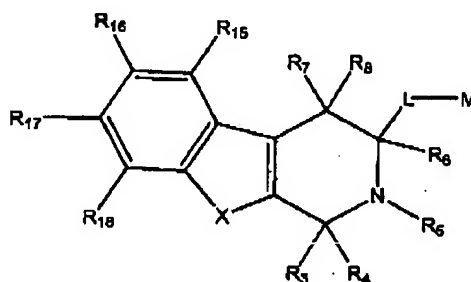
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Applicants reserve the right pursuant to 37 C.F.R. § 1.141 to pursue claims to any non-elected species in the event that a generic claim is found to be allowable. Applicants also reserve the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of the present application.

3. Election as to Compound

In addition to the election as to invention and species, Applicants hereby elect a compound comprising the formula:

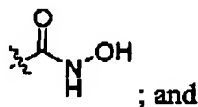


wherein

R₃, R₄, R₅, R₆, R₇, R₈, R₁₅, R₁₆, R₁₇ and R₁₈ are each hydrogen;

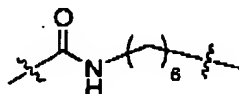
X is NR₁₄, where R₁₄ is hydrogen;

M is



; and

L is



4. Amendment to Specification

Applicants also amend paragraph [0092] to correct an inadvertent clerical error by providing that R₁₂ and R₁₃ can be taken together to form a substituted or unsubstituted 3, 4, 5, 6,

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7 or 8 membered ring." Support for the amendment of paragraph [0092] can be found, for example, in the specification at paragraph [00259] and Scheme 6, and in the claims as originally filed. No new matter has been added by these amendments.

CONCLUSION

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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